

STAYED,TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01862-TNM**

DeFRAIA v. CENTRAL INTELLIGENCE AGENCY
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 09/19/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DANIEL CHARLES DEFRAIA

represented by **Daniel J. Stotter**
STOTTER AND ASSOCIATES, LLC
408 SW Monroe Avenue
Suite M210E
Corvallis, OR 97333
(541) 738-2601
Fax: (541) 738-0611
Email: dstotter@qwestoffice.net
ATTORNEY TO BE NOTICED

Sean Terrell Malone
SEAN T. MALONE, ATTORNEY AT
LAW
259 E. 5th Avenue
Suite 200-C
Eugene, OR 97401
(303) 859-0403
Fax: (541) 748-1253
Email: seanmalone8@hotmail.com
ATTORNEY TO BE NOTICED

C. Peter Sorenson
SORENSEN LAW OFFICE
P.O. Box 10836
Eugene, OR 97440
(541) 606-9173
Email: petesorenson@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Marcia Kay Sowles**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 514-4960
Fax: (202) 616-8470
Email: marcia.sowles@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen J. Buckingham
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Room 7204
Washington, DC 20530
(202) 514-3330

Fax: (202) 616-8470
 Email: stephen.buckingham@usdoj.gov
 TERMINATED: 09/29/2017
 LEAD ATTORNEY

Date Filed	#	Docket Text
09/19/2016	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 400 receipt number 0090-4678308) filed by DANIEL CHARLES DeFRAIA. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Sorenson, C.) (Entered: 09/19/2016)
09/19/2016		Case Assigned to Judge Rudolph Contreras. (sth) (Entered: 09/19/2016)
09/19/2016	<u>2</u>	SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 09/19/2016)
10/04/2016	<u>3</u>	NOTICE of Appearance by Daniel J. Stotter on behalf of DANIEL CHARLES DeFRAIA (Stotter, Daniel) (Entered: 10/04/2016)
10/31/2016	<u>4</u>	NOTICE of Appearance by Stephen J. Buckingham on behalf of CENTRAL INTELLIGENCE AGENCY (Buckingham, Stephen) (Entered: 10/31/2016)
10/31/2016	<u>5</u>	Unopposed MOTION for Extension of Time to <i>Respond to Complaint</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Buckingham, Stephen) (Entered: 10/31/2016)
10/31/2016		MINUTE ORDER granting <u>5</u> Defendant's Unopposed Motion for Extension of Time: It is hereby ORDERED that Defendant shall file its response to Plaintiff's complaint on or before November 30, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 10/31/2016. (lcrc1) (Entered: 10/31/2016)
11/30/2016	<u>6</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Buckingham, Stephen) (Entered: 11/30/2016)
11/30/2016		MINUTE ORDER: It is hereby ORDERED that the parties shall meet and confer and submit a proposed briefing schedule on or before December 15, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 11/30/2016. (lcrc1) (Entered: 11/30/2016)
11/30/2016		Set/Reset Deadlines: Proposed Briefing Schedule due by 12/15/2016 (tj) (Entered: 11/30/2016)
12/14/2016	<u>7</u>	Joint STATUS REPORT and <i>Proposed Briefing Schedule</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Buckingham, Stephen) (Entered: 12/14/2016)
12/14/2016		MINUTE ORDER: Upon consideration of <u>7</u> the parties' Joint Status Report and Proposed Briefing Schedule, it is hereby ORDERED that Defendant's motion for summary judgment shall be filed on or before May 22, 2017; Plaintiff's opposition and cross motion for summary judgment shall be filed on or before July 3, 2017; Defendant's reply and opposition to Plaintiff's motion shall be filed on or before July 28, 2017; and Plaintiff's reply shall be filed on or before August 21, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 12/14/2016. (lcrc3) (Entered: 12/14/2016)
02/13/2017	<u>8</u>	MOTION for Extension of Time to <i>Move for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Buckingham, Stephen) (Entered: 02/13/2017)
02/19/2017	<u>9</u>	Unopposed MOTION for Extension of Time to by DANIEL CHARLES DeFRAIA (Attachments: # <u>1</u> Text of Proposed Order)(Sorenson, C.) (Entered: 02/19/2017)
02/21/2017		MINUTE ORDER granting <u>9</u> Plaintiff's Unopposed Motion for Extension of Time: It is hereby ORDERED that Plaintiff shall file his response to <u>8</u> Defendant's motion to extend the briefing schedule on or before March 6, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 2/21/2017. (lcrc1) (Entered: 02/21/2017)

02/22/2017		Set/Reset Deadlines: Responses due by 3/6/2017 (tj) (Entered: 02/22/2017)
03/06/2017	<u>10</u>	Memorandum in opposition to re <u>8</u> MOTION for Extension of Time to <i>Move for Summary Judgment</i> filed by DANIEL CHARLES DeFRAIA. (Attachments: # <u>1</u> Declaration, # <u>2</u> Memorandum in Support)(Sorenson, C.) (Entered: 03/06/2017)
03/10/2017	<u>11</u>	ORDER denying without prejudice <u>8</u> Motion for Extension of Time. See document for details. Signed by Judge Rudolph Contreras on 3/10/2017. (lcrc1) (Entered: 03/10/2017)
03/31/2017	<u>12</u>	Supplemental MOTION for Extension of Time to <i>Move for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6)(Buckingham, Stephen) (Entered: 03/31/2017)
04/14/2017	<u>13</u>	RESPONSE re <u>12</u> Supplemental MOTION for Extension of Time to <i>Move for Summary Judgment</i> filed by DANIEL CHARLES DeFRAIA. (Attachments: # <u>1</u> Text of Proposed Order)(Sorenson, C.) (Entered: 04/14/2017)
05/08/2017	<u>14</u>	ORDER granting <u>12</u> Defendant's Motion for Extension of Time. See document for details. Signed by Judge Rudolph Contreras on 5/8/2017. (lcrc1) (Entered: 05/08/2017)
05/22/2017	<u>15</u>	MOTION for Partial Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Declaration, # <u>3</u> Exhibit Index, # <u>4</u> Statement of Facts, # <u>5</u> Text of Proposed Order)(Buckingham, Stephen) (Entered: 05/22/2017)
06/12/2017	<u>16</u>	ERRATA by CENTRAL INTELLIGENCE AGENCY <u>15</u> MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Errata Declaration)(Buckingham, Stephen) (Entered: 06/12/2017)
06/26/2017	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Partial Summary Judgment by DANIEL CHARLES DeFRAIA (Attachments: # <u>1</u> Text of Proposed Order)(Sorenson, C.) (Entered: 06/26/2017)
06/26/2017		MINUTE ORDER granting <u>17</u> Plaintiff's Unopposed Motion for Extension of Time: It is hereby ORDERED that Plaintiff shall file his opposition and cross-motion for summary judgment concerning the first portion of the 2014 request and the entirety of the 2015 request on or before July 17, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 6/26/2017. (lcrc1) (Entered: 06/26/2017)
06/27/2017		Set/Reset Deadlines: Cross Motions due by 7/17/2017. Response to Motion for Summary Judgment due by 7/17/2017. (tj) (Entered: 06/27/2017)
07/17/2017	<u>18</u>	Memorandum in opposition to re <u>15</u> MOTION for Partial Summary Judgment filed by DANIEL CHARLES DeFRAIA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Text of Proposed Order)(Sorenson, C.) (Entered: 07/17/2017)
07/17/2017	<u>19</u>	MOTION for Partial Summary Judgment by DANIEL CHARLES DeFRAIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Statement of Facts, # <u>4</u> Declaration)(Sorenson, C.) (Entered: 07/17/2017)
07/28/2017	<u>20</u>	REPLY to opposition to motion re <u>15</u> MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Buckingham, Stephen) (Entered: 07/28/2017)
07/28/2017	<u>21</u>	Memorandum in opposition to re <u>19</u> MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Buckingham, Stephen) (Entered: 07/28/2017)
08/21/2017	<u>22</u>	REPLY to opposition to motion re <u>19</u> MOTION for Partial Summary Judgment filed by DANIEL CHARLES DeFRAIA. (Sorenson, C.) (Entered: 08/21/2017)
08/21/2017	<u>23</u>	Memorandum in opposition to re <u>15</u> MOTION for Partial Summary Judgment filed by DANIEL CHARLES DeFRAIA. (See Docket Entry <u>22</u> to view document). (znmw) (Entered: 08/22/2017)

09/21/2017	<u>24</u>	Second MOTION for Extension of Time to <i>Move for Partial Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Buckingham, Stephen) (Entered: 09/21/2017)
09/29/2017	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marcia Kay Sowles on behalf of CENTRAL INTELLIGENCE AGENCY Substituting for attorney Stephen J. Buckingham (Sowles, Marcia) (Entered: 09/29/2017)
10/05/2017	<u>26</u>	Memorandum in opposition to re <u>24</u> Second MOTION for Extension of Time to <i>Move for Partial Summary Judgment</i> filed by DANIEL CHARLES DeFRAIA. (Sorenson, C.) (Entered: 10/05/2017)
10/12/2017	<u>27</u>	REPLY to opposition to motion re <u>24</u> Second MOTION for Extension of Time to <i>Move for Partial Summary Judgment</i> filed by CENTRAL INTELLIGENCE AGENCY. (Sowles, Marcia) (Entered: 10/12/2017)
10/20/2017	<u>28</u>	ORDER granting in part and denying in part <u>24</u> Defendant's Motion for Extension of Time. See document for details. Signed by Judge Rudolph Contreras on 10/20/2017. (lcrc1) (Entered: 10/20/2017)
11/02/2017		Case directly reassigned to Judge Trevor N. McFadden. Judge Rudolph Contreras is no longer assigned to the case. (ztnr) (Entered: 11/02/2017)
12/06/2017	<u>29</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Declaration of E. Riggs Monfort)(Sowles, Marcia) (Entered: 12/06/2017)
01/04/2018	<u>30</u>	STATUS REPORT <i>regarding December 2017 production</i> by CENTRAL INTELLIGENCE AGENCY. (Sowles, Marcia) (Entered: 01/04/2018)
02/01/2018	<u>31</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Sowles, Marcia) (Entered: 02/01/2018)
03/07/2018	<u>32</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Sowles, Marcia) (Entered: 03/07/2018)
04/03/2018	<u>33</u>	ORDER. The Defendant shall, by April 18, 2018, either search for and release to the Plaintiff the portions of a certain Appendix A (as detailed in the Order) not subject to FOIA exemptions, along with a notice of compliance filed by April 21, 2018, or else submit a supplemental declaration explaining why its release is not required by law. Signed by Judge Trevor N. McFadden on 4/3/2018. (lctnm2) (Entered: 04/03/2018)
04/04/2018	<u>34</u>	Monthly STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Sowles, Marcia) (Entered: 04/04/2018)
04/04/2018		Set/Reset Deadlines: Defendant's response to <u>33</u> Order of the Court due by 4/18/2018. (hmc) (Entered: 04/04/2018)
04/18/2018	<u>35</u>	NOTICE of Compliance with Minute Order by CENTRAL INTELLIGENCE AGENCY re <u>33</u> Order, (Sowles, Marcia) (Entered: 04/18/2018)
04/25/2018	<u>36</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/25/2018. (lctnm2) (Entered: 04/25/2018)
04/30/2018	<u>37</u>	MEMORANDUM OPINION regarding the Defendant's <u>15</u> Motion for Partial Summary Judgment and the Plaintiff's <u>19</u> MOTION for Partial Summary Judgment. Signed by Judge Trevor N. McFadden on 4/30/2018. (lctnm2) (Entered: 04/30/2018)
04/30/2018	<u>38</u>	ORDER. For the reasons stated in the Memorandum Opinion, the CIA's <u>15</u> Motion for Partial Summary Judgment is GRANTED, and Mr. DeFraia's <u>19</u> Motion for Partial Summary Judgment is DENIED. Signed by Judge Trevor N. McFadden on 4/30/2018. (lctnm2) (Entered: 04/30/2018)
05/03/2018	<u>39</u>	Monthly STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Exhibit Supplemental Declaration of Antoinette Shiner)(Sowles, Marcia) (Entered: 05/03/2018)

05/31/2018	<u>40</u>	Joint STATUS REPORT by DANIEL CHARLES DeFRAIA. (Sorenson, C.) (Entered: 05/31/2018)
05/31/2018		MINUTE ORDER: Upon consideration of the parties' <u>40</u> Joint Status Report, the parties are directed to observe the following briefing schedule. Defendant's Motion for Summary Judgment is due July 20, 2018. Plaintiff's Opposition and any Cross-Motion for Summary Judgment are due August 20, 2018. Defendant's Reply in support of its Motion for Summary Judgment and Opposition to any Cross-Motion for Summary Judgment are due September 17, 2018. Plaintiff's Reply in support of any Cross-Motion for Summary Judgment is due October 22, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/31/18. (lctnm1) (Entered: 05/31/2018)
06/01/2018		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 7/20/2018. Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Cross-Motion due by 8/20/2018. Defendant's reply in support of its Motion for Summary Judgment and opposition to Plaintiff's Cross-Motion due by 9/17/2018. Plaintiff's reply in support of its Cross-Motion due by 10/22/2018. (hmc) (Entered: 06/01/2018)
07/20/2018	<u>41</u>	MOTION for Summary Judgment <i>and Memorandum in Support of Motion for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Statement of Material Facts as to Which There Is No Genuine Dispute, # <u>2</u> Declaration Antoinette B. Shiner with Exhibits, # <u>3</u> Declaration David M. Hardy, # <u>4</u> Text of Proposed Order)(Sowles, Marcia) (Entered: 07/20/2018)
08/06/2018	<u>42</u>	Joint MOTION to Vacate by DANIEL CHARLES DEFRAIA (Attachments: # <u>1</u> Text of Proposed Order)(Sorenson, C.) Modified event title on 8/13/2018 (znmw). (Entered: 08/06/2018)
08/06/2018		MINUTE ORDER granting the parties' <u>42</u> Joint Motion to Vacate Briefing Schedule. The parties shall file a Joint Status Report by October 15, 2018, if they have not filed a stipulation of dismissal by that date. The CIA's <u>41</u> Motion for Summary Judgment is DISMISSED as moot in light of the Joint Motion's representation that the substantive issues raised by the Motion for Summary Judgment are no longer in dispute. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/6/18. (lctnm1) (Entered: 08/06/2018)
08/07/2018		Set/Reset Deadlines: Joint Status Report due by 10/15/2018. (tg) (Entered: 08/07/2018)
10/03/2018	<u>43</u>	NOTICE of Change of Address by Marcia Kay Sowles (Sowles, Marcia) (Entered: 10/03/2018)
10/10/2018	<u>44</u>	Consent MOTION to Stay <i>Per Local Civil Rule 54.2(a)</i> by DANIEL CHARLES DEFRAIA (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 10/10/2018)
10/12/2018		MINUTE ORDER: Upon consideration of the parties' <u>44</u> Consent Motion to Stay, it is hereby ORDERED that this case shall be stayed to allow the parties to pursue settlement discussions. The parties shall submit a joint status report on or before December 14, 2018, to inform the Court of the status of settlement of the issue of attorneys' fees and costs. Signed by Judge Trevor N. McFadden on 10/12/2018 (lctnm1) (Entered: 10/12/2018)
10/12/2018		Case Stayed. (hmc) (Entered: 10/12/2018)
10/12/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (hmc) (Entered: 10/12/2018)
12/13/2018	<u>45</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Sowles, Marcia) (Entered: 12/13/2018)
12/14/2018		MINUTE ORDER: Upon consideration of the parties' <u>45</u> Joint Status Report, it is hereby ORDERED that the parties shall submit a further joint status report on or before January 14, 2019, to inform the Court of the status of settlement of the issue of attorneys' fees and costs. Signed by Judge Trevor N. McFadden on 12/14/2018 (lctnm1) (Entered: 12/14/2018)

12/14/2018		Set/Reset Deadlines: Joint Status Report due by 1/14/2019. (tg) (Entered: 12/14/2018)
01/09/2019	<u>46</u>	Unopposed MOTION to Stay <i>Minute Order Requiring Parties to File Joint Status Report</i> by CENTRAL INTELLIGENCE AGENCY (Sowles, Marcia) (Entered: 01/09/2019)
01/09/2019		MINUTE ORDER granting <u>46</u> Motion to Stay. Upon considering the Defendant's <u>46</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/9/2019. (lctnm1) (Entered: 01/09/2019)
01/09/2019	<u>47</u>	NOTICE of Appearance by Sean Terrell Malone on behalf of DANIEL CHARLES DEFRAIA (Malone, Sean) (Entered: 01/09/2019)